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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,202	01/15/2002	Yoichiro Ban	58824-US-AK/ci	3586

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EXAMINER

PAN, YUWEN

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/053,202

Applicant(s)

BAN ET AL.

Examiner

Yuwen Pan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11-17 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments, see page 7, filed 4/15/05, with respect to the rejection(s) of claim(s) 12 under 35 U.S.C. 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Siddoway et al (US006473631B1).

DETAILED ACTION

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1-7, 8, and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nonogaki (US006625478B1) in view of Siddoway et al (US006473631B1).

Per claims 1, 7, 8, 11, and 12, Nonogaki discloses a mobile terminal comprising: a receiver that receives an incoming call (see figure 1 and item 312), an AV mode reproducing an image (figure 1 and item 200, column 4 and lines 10-14), a standby operation part that monitors the incoming call (figure 1 and item 308), a controller that controls an operational mode that has a camera-dedicated mode and a bifunctional mode (see column 1 and line 58-column 2 and line 2); a display that shows a mode selection menu so that the operational mode can be selected by a user (figure 1 and item 404), wherein the controller inhibits the standby operation part from monitoring the incoming call and allows the camera to capture the image while in the camera-

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dedicated mode, the controller allows the standby operation part to monitor the incoming call and allows the camera to capture the image while in the bifunctional mode, and the controller sets the camera-dedicated mode as the operational mode when the camera-dedicated mode is selected by user, and the controller sets the bifunctional mode as the operational mode when the bifunctional mode is selected by the user (see column 2 and lines 3-55). Nonogaki doesn't expressly teach a camera mode that captures an image. Siddoway teaches a video camera phone that is able to capture and reproduce an image (see figure 3 and 4, column 4 and abstract). It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Siddoway with Nonogaki's device such that it would provide more features for a portable phone.

Per claim 2, Nonogaki further teaches a radio environment measuring means for measuring a state of a radio environment that is involved in the standby operation, the control means prohibits the standby operation during the image capture operation when the radio environment measuring means detects that the radio environment involved in the standby operation is in a relatively bad state (see column 2 and lines 14-20).

Per claim 3, Nonogaki further teaches that a notification means for conducting a first notification operation, wherein the control means commands the notification means to carry out the first notification operation when the standby operation is prohibited (column 2 and lines 41-55).

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Per claim 4-6, Nonogaki further teaches that the control means enables the standby operation when a second predetermined condition is satisfied when the radio environment measuring means detects a change in the state of the radio environment involved in the standby operation from the relatively bad state to a relatively good state and the control means commands the notification means to carry out a second notification operation when the standby operation is enabled (see column 3 and lines 12-41).

Per claims 13 and 14, Nonogaki further teaches that the controller functions a image processor and the standby operation part and the receiver receives the incoming call through a wireless communication (see figure 1).

Per claims 15-17, combination of Nonogaki and Siddoway further teaches that the control means includes a single CPU, which carries out the standby operation for monitoring the incoming call and the image processing operation for procession the image captured by the camera (see Nonogaki figure 1 and item 301, column 3 and lines 12-41).

Allowable Subject Matter

4. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Maruyama doesn't expressly teach the notification operation includes clearing of a display of an antenna bar on the notification means.

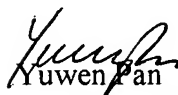
Conclusion


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 571-272-7855. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yuwen Pan
June 13, 2005


NICK CORSARO
PRIMARY EXAMINER